

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA  
ex rel. Kenny Loughner

Plaintiffs,

v.

EMH Regional Medical Center,  
North Ohio Heart Center, Inc.,  
Dr. Charles O'Shaughnessy and  
Dr. Naim Farhat

Defendants.

) Case No. 06-CV-2441  
)  
)  
)  
)

) Judge Patricia A. Gaughan  
)  
)  
)

) **FILED UNDER SEAL**  
)  
)  
)  
)

) **ORDER**  
)

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), the United States and Relator have filed herewith a Stipulation of Dismissal as to claims against Defendants. Upon consideration of the Stipulation, and the papers on file in this action,

IT IS HEREBY ORDERED that,

1. Consistent with the terms of the December 14, 2012 Settlement Agreement executed by the United States, Relator Kenny Loughner, and defendants EMH Regional Medical Center (EMH), North Ohio Heart Center, Inc. (NOHC), (the

“Settlement Agreement”), all claims asserted on behalf of the United States against EMH, NOHC, or Drs. O’Shaughnessy and Farhat concerning the Covered Conduct as defined in Recital Paragraph E of the Settlement Agreement are dismissed with prejudice; and

2. Consistent with the terms of the Settlement Agreement, all other claims asserted on behalf of the United States are dismissed without prejudice to the United States and with prejudice as to Relator; and

3. All claims asserted on behalf of Relator for attorneys’ fees under 31 U.S.C. § 3730(d) are dismissed with prejudice.

IT IS FURTHER ORDERED THAT

4. The Complaint in this matter be unsealed;

5. The Government’s Notice of Intervention and the Government and Relator’s Stipulation of Dismissal shall be unsealed, along with this Order;

6. All other papers or Orders on file in this matter shall remain under seal; and

7. The seal shall be lifted on any subsequent pleadings filed in this action.

IT IS SO ORDERED:

/s/ Patricia A. Gaughan  
\_\_\_\_\_  
Patricia A. Gaughan  
United States District Judge

Date: 01/04/13